

Mohini Devi Vs. Delhi Development Authority

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Court : Delhi

Decided On : Nov-16-2012

Judge : G. S. Sistani

Appellant : Mohini Devi

Respondent : Delhi Development Authority

Judgement :

\$~15 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 6080/2012 %
Judgment dated 16.11.2012 MOHINI DEVI Through Petitioner Mr. Rajesh Pathak, Advocate versus DELHI DEVELOPMENT AUTHORITY Respondent Through Mr. Arun Birbal, Advocate CORAM: HON'BLE MR. JUSTICE G.S.SISTANI G.S.SISTANI, J (ORAL) 1. Counsel for the petitioner submits that this writ petition can be disposed of in view of the stand taken by the DDA in the counter affidavit. The grievance of the petitioner is that when the petitioner went to take possession of the flat allotted to the petitioner on 14.11.1994, she found that the flat in question was already in possession of one Sh. Roshan Lal. Thereafter, the petitioner has been making representations and visiting the Office of the DDA to allot an alternate flat to her but despite the period of 18 years having been elapsed no allotment has been made in favour of the petitioner till date.

2. The facts of this case unfold a very sorry state of affairs and also reflects the highly insensitive attitude of the DDA in dealing with an ordinary citizen who made an application for allotment of a flat in the year 1979, under the New Pattern Registration Scheme-1979. The Petitioners husband Late Shri. Subhash Chander

got himself registered under the said scheme for allotment of Janta Flat and deposited a sum of Rs. 1500/- with the Respondent DDA and was allotted Registration No. 26753. The name of the Petitioners husband was included in the draw held by the Respondent on 27.01.1992 and a Janta flat No. 173B, JG-III, first floor, Vikaspuri, New Delhi was allotted to him. A Demand-cum-Allotment Letter with Block dates 25.11.1992-30.11.1992 on hire-purchase basis was issued to him at his address given in the registration form. As per the terms and conditions of the Demand-cum-Allotment Letter, the allottee had to deposit a sum of Rs. 42,656.92 on or before 29.01.1993 and the same amount was deposited by the allottee with the Respondent. The husband of the Petitioner, the allottee expired on 24.03.1993 and in the meantime a demand of Rs. 5846.20 was raised by the Respondent DDA as monthly installment. The Petitioner paid the said installment. The said allotment and registration under NPRS-1979 was transferred in the name of the Petitioner vide letter dated 05.08.1994. As per the petitioner, an allotment was made in favour of the petitioner in the year 1994 and a formal possession letter dated 24.10.1994 was issued, however, when the petitioner went to take possession of the flat she found that the flat was already in possession of some other person. Since 1994 the request of the petitioner for allotment of an alternate flat is pending and no action has been taken by the Respondent towards fulfillment of the grievance of the Petitioner.

3. Counter Affidavit has been filed by the Respondent DDA. The Para X of the counter affidavit reads as under: That in the circumstances, the competent authority vide order dated 04.10.2012 has already approved the case for allotment of another similar Janta flat to the allottee under the policy of Double Allotment dated 23.09.2002 subject to genuineness verification of the petitioner as per the norms.

4. In view of the stand taken by the DDA in its counter affidavit the writ petition is allowed. The DDA shall make an alternate allotment in favour of the petitioner, as stated in para X of its counter affidavit, within three months under the Double Allotment Policy of the DDA dated 23.09.2012. All the formalities shall also be completed within three months from today.

5. Writ petition stands disposed of with costs of Rs.20, 000/- to be paid by respondent to the petitioner, which amount shall be adjusted by the respondent, out of the payments to be made by the petitioner to the DDA. G.S.SISTANI, J
NOVEMBER 16 2012 rs

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